

**APPROVED**

**MINUTES  
SELECTMEN'S MEETING  
GRIFFIN ROOM, TOWN HALL  
MONDAY, JANUARY 19, 2016  
6:30 P.M.**

**SELECTMEN PRESENT:** Brown, Cebula, Hughes, LaMantia, MacAskill

**OTHERS PRESENT:** Town Administrator Christopher Clark, Assistant Town Administrator Charleen Greenhalgh, Sally Urbano, Gary Carreiro, Richard Gunderson, Allin Thompson, Peter DeBakker, David Young, and others.

**MEETING CALLED TO ORDER** at 6:30 p.m. by Chairman Hughes.

**WEEKLY BRIEFING**

Chairman Hughes reported that the Board had just come out of Executive Session where they discussed litigation relative to the Cumberland Farms application on Route 28.

**PUBLIC COMMENT/ANNOUNCEMENTS**

Ms. Urbano stated that the Massachusetts Historic Commission is coming to do a site visit as a result of their application. She added that the Commission would like to help them draw the boundaries of a historic district.

**CONSENT AGENDA**

- A. Minutes -
  - 1. January 4, 2016 Regular Session
  - 2. January 4, 2016 Executive Session
- B. Approve 2016 Annual General License Renewals as recommended
- C. Approve recommendations of the Interview/Nominations Subcommittee as follows:
  - 1. Request that the By-Law Charter Review Committee consider submitting an article at the May 2016 Annual Town Meeting to amend Charter to include 2 alternate positions to all committees
  - 2. Appoint the following:

John Wheeler	Golf Committee	June 30, 2018
Jim Mangan	Council on Aging	June 30, 2018
Valerie Bell	Cape Light Compact	June 30, 2017
- D. Authorize Chair to sign Joint Application Authorization for participation in FY16 Eastham Regional CDBG Grant

Ms. Brown moved approval of the Consent Agenda. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

**NEW BUSINESS**

A. Distribution of Energy Funds from Harwich Landfill Solar Field – *discussion & possible vote*

Mr. Clark stated that when we went through this process back in July, Mr. Gould had contacted Tony Rassias of the Department of Revenue to get an understanding as to what we should do. Mr. Rassias spoke to Tony Roselli, an auditor from Roselli, Clark and Associates and we received a letter back saying that if the Water Department is responsible for 30% of the electricity generated by the Town then the Enterprise Fund is entitled to 30% of the revenue from the solar field. Mr. Gould outlined a chart he provided entitled “Harwich Landfill PV” (attached). Mr. Hughes asked if there are actually guidelines in place and Mr. Gould responded that they’re working on it. Mr. Gould clarified that it is actually 43% going to the Water Department. Mr. Gould and Mr. Clark took questions regarding the calculations and allocations.

Mr. MacAskill questioned if this is a matter of law and where we would find the money for our contractual obligations for raises if we have a shortfall. He further questioned if we should be asking the Water Department to take less. Chairman Hughes said we would get the money through taxation. Mr. Clark stated that with the money generated we should be close to what we need or slightly over. He pointed out that some of it will go to Water Department salaries. Ms. Cebula noted that Mr. MacAskill has not received an answer as to whether this is a matter of law and Mr. Clark responded that it is Chapter 44, Section 53½. Mr. Gould stated that it is an opinion from the Department of Revenue, not a law. Mr. Thompson discussed what the Water Department’s electricity payments have been. Mr. LaMantia stated that a dollar figure has to be developed based on the bills and used for the following fiscal year. Chairman Hughes and Ms. Cebula agreed. Mr. Gunderson stated that this should be a legal decision and not default to the Department of Revenue. He also commented on an opinion provided by Mr. Giorgio dated April 9, 2012. He encouraged the Board to pose the question to Town Counsel and Chairman Hughes responded that they would go back to Mr. Giorgio to review the opinion of April 9, 2012 relative to what the Department of Revenue is saying now and bring this item back.

B. Hall of Fame Nomination – *discussion & possible vote*

Mr. LaMantia reported that the Interview Committee had one application for the Hall of Fame and they aren’t sure it meets all the requirements so they are bringing to the Board to decide. Mr. MacAskill noted that the application was submitted by Joan Maloney for Hannah Stokes. He stated that anyone who has made a significant contribution to the Town is eligible and they went back and forth on this one. Ms. Brown moved to accept her to the Harwich Hall of Fame. Mr. LaMantia seconded the motion for discussion. Chairman Hughes said the contribution requirement is broad and can include employing people. Ms. Brown noted that Ms. Stokes provided overalls and shirts to the Civil War soldiers and that is significant. The motion carried by a unanimous vote.

C. Wastewater Educational Moment - *discussion & feedback:*

1. Structure and Governance

Mr. MacAskill stated that the Board should consider leaving the governance to the Board of Selectmen through the engineering and construction phases and then once the water starts to flow to Chatham, they turn it over to the Water Commissioners. Chairman Hughes stated that that is

very appropriate. Mr. Young of CDM Smith stated that we don't need to have this finalized for the Comprehensive Wastewater Management Plan and we can just describe the implementation steps. Mr. MacAskill recommended that he and Mr. LaMantia put together a paragraph and run it by the Water Commissioners and then John Giorgio. Mr. Carreiro stated that the Water Commissioners should go to a 5 member Board at that point to take on the added responsibility. Mr. Hughes said he should come back with how he wants the organization to look.

## 2. Proposed Sewer Regulations

Mr. MacAskill recommended sending the regulations to Bob Duncanson in Chatham and the Water Commissioners for comment. Chairman Hughes said the Board should hold a public hearing on this in early March.

## 3. Zoning & Effluent Discharge Language in CWMP

Mr. MacAskill stated that they need to finalize this to get into the Comprehensive Wastewater Management Plan and should be going with the zoning that is in place. Mr. LaMantia agreed. Mr. MacAskill stated that they have discussed several sites but have not picked one. He noted that he could put a paragraph in that we will continue to look for a site. Mr. LaMantia said we should recognize that we are looking for a site. Mr. Young said he is comfortable with not identifying a specific site and are continuing to look. Mr. MacAskill said they will compose a paragraph and bring back for a vote.

Ms. Cebula questioned when they will see a new draft MOU and Mr. Clark stated that he hopes to have it soon as he has reached out to Bob Duncanson on this and they are waiting on actual net costs.

## 4. Wastewater Implementation Committee Charge

Mr. MacAskill stated that the Committee needs some direction from the Board. Mr. DeBakker, Chairman of the Wastewater Implementation Committee, stated that they are coasting to the next point which is implementation and need some guidance. The Board agreed to have the Wastewater Implementation come in for a discussion.

## 5. Public Outreach

Mr. MacAskill said that Mr. Harlow gave a great presentation on public outreach and they really need to educate the Town and make sure everyone understands the finalized plan. Mr. Harlow outlined the plan including the importance of public participation and the value of using a Communication Specialist for wastewater.

## **TOWN ADMINISTRATOR'S REPORT**

### A. Free Cash Certification

Mr. Clark reported that free cash was certified at just over \$4 million and \$1.7 million for Water Enterprise.

Mr. Gould outlined his memo to the Board dated January 14, 2016 regarding the events that transpired in getting the tax rate set. Chairman Hughes said the Board will want to see projected receipts.

Regarding a request to remove trees, Chairman Hughes requested a plot plan for the Little League field.

### **SELECTMEN'S REPORT**

#### A. Board of Selectmen voting representative for MMA Business Meeting – *discussion & possible vote*

Chairman Hughes said he would not be present for the MMA Business Meeting to vote on behalf of the Board. Ms. Cebula moved that Angelo LaMantia serve as the voting representative. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

### **ADJOURNMENT**

Chairman Hughes adjourned the meeting at 8:42 p.m.

Respectfully submitted,

Ann Steidel  
Recording Secretary

## 2016 ANNUAL GENERAL LICENSE RENEWALS

Harwich Port Seafarer, Inc.  
d/b/a Harwich Port Seafarer  
86 Sisson Road, Harwich Port

### **Innholders**

Mooncussers Tavern  
86 Sisson Road, Harwich Port

### **Weekday Entertainment**

Dancing by patrons,  
Live or recorded music with amplification  
5:00 p.m. – 12:00 a.m.  
Noise level not to exceed licensed premises.

Cape Cod Claddagh Inn & Irish Pub  
77 Route 28, West Harwich

### **Innholders License**

**Weekday Entertainment** with the following conditions:

#### INDOOR ENTERTAINMENT LICENSE CONDITIONS - WEEKDAYS

1. Noise not to exceed premise.
2. Entertainment inside the building will cease at 12:00 a.m.
3. The manager of the Claddagh will maintain control of the volume levels.
4. Contracts with performers will contain language that recognizes that the Claddagh manager controls sound levels and that any objection to the manager's decision will result in their dismissal without pay.
5. The street side door (located at the northeast corner of the bar level) and windows of the inside bar area will remain closed when entertainers are performing. The street side door will be used as an emergency exit and alarmed so the manager can respond when it is opened. Air conditioning to operate when appropriate and blinds and curtains will remain closed. Patrons, except handicapped/disabled patrons, will use the newly constructed access door.
6. Although noise from patrons milling about the parking lot or patio during late hours is not likely to exceed DEP limits, noise from speech is readily detectable by the human ear and may cause annoyance. Place signs outdoors to remind guests to be respectful of neighbors and have staff periodically patrol outdoor areas to quiet customers as needed.
7. Violations of the entertainment license conditions shall be referred to the Board of Selectmen and show cause hearing on the license will immediately be scheduled.
8. Schematic floor plan attached to define entertainment area.

**PLEASE NOTE THAT CLADDAGH HAS NOT APPLIED FOR RENEWAL OF SUNDAY ENTERTAINMENT LICENSE.**

**Harwich Landfill PV**  
**8/1/14 - 8/9/15**

	kWh Share	NMC Share	PPA Cost Share	Net Benefit before Revenue Share	Revenue Share	Net Benefit after Revenue Share
<b>Town of Harwich Totals</b>	3,328,060	\$564,485	(\$236,293)	\$328,192	\$101,561	\$429,752

**Allocations by Department**

Department	% of Harwich Total	kWh Share	NMC Share	PPA Cost Share	Net Benefit before Revenue Share
Water Dept	43%	1,431,066	\$242,729	(\$101,606)	\$141,123
Other Depts.	57%	1,896,994	\$321,756	(\$134,687)	\$187,069
<b>Total</b>	<b>100%</b>	<b>3,328,060</b>	<b>\$564,485</b>	<b>(\$236,293)</b>	<b>\$328,192</b>

Town of Harwich

Net Metering Credit Allocations by Account

Estimated Annual Use (kWh)

Department	kWh	% of Total
Water Dept.	1,444,534	43.07%
Other Depts.	1,909,403	56.93%
<b>Total</b>	<b>3,353,937</b>	

Use and NMC Allocations by Account

Department	Account	Address	Est. Annual Use (kWh)	Percentage of Total Annual Use	Share of Harwich Allocation of NMC
Water	14022560016	161 BAY RD STA 8 E HARWICH	153,241	4.57%	4.57%
Water	14022570015	161 BAY RD STA 9 HARWICH	109,872	3.28%	3.27%
Water	14113290010	85 DEPOT ST HMS FOR S HARWICH	432,720	12.90%	12.90%
Water	14132340010	196 CHATHAM RD STA 1-4 HARWICH	290,000	8.65%	8.65%
Water	14156380017	220 LOTHROP AVE WATER TOWER	6,387	0.19%	0.19%
Water	14172170012	1046 HARWICH-ORL RD TAP	6,578	0.20%	0.19%
Water	15971680010	139 N-WEST-GATE RD PUMPHOUSE	49,352	1.47%	1.47%
Water	16007460013	196 CHATHAM RD MAIN BL	271,099	8.08%	8.08%
Water	16499930010	205 PLEASANT-BAY RD STATION	103,306	3.08%	3.08%
Water	27261760014	OAK ST HARWICH MA 02645	21,979	0.66%	0.66%
	<b>SubTotal</b>		<b>1,444,534</b>	<b>43.07%</b>	<b>43.07%</b>
Other Depts.	13996180017	715 MAIN ST HARWICH POF	164,000	4.89%	4.89%
Other Depts.	13996740018	40 HARBOR RD TN DCK HARWICH	16,191	0.48%	0.49%
Other Depts.	14003950020	203 BANK ST WORKSHOP HARWICH	4,004	0.12%	0.11%
Other Depts.	14044200013	446 QUEEN-ANNE RD SIGN/POST	883	0.03%	0.03%
Other Depts.	14045280014	265 SISSON RD HARWICH MA	4,454	0.13%	0.13%
Other Depts.	14045290013	80 PARALLEL ST HARWICH MA	26,832	0.80%	0.79%

Other Depts.	14115150014	343 LOWER-CTY RD TN LAN	1,080	0.03%	0.03%
Other Depts.	14128240018	RTE-137 SIGNAL E HARWIC	3,987	0.12%	0.11%
Other Depts.	14128260016	149 RTE-137 STATION 2 E F	39,332	1.17%	1.17%
Other Depts.	14149500010	12 POST-OFFICE SQ DOANE	1,568	0.05%	0.05%
Other Depts.	14159560011	80 FOREST ST GARAGE HAR	1,820	0.05%	0.05%
Other Depts.	14163990014	9 OAK ST BRKS PK HARWICH	4,613	0.14%	0.16%
Other Depts.	14164030018	732 MAIN ST TOWN HALL H	188,983	5.63%	5.63%
Other Depts.	14164040017	728 MAIN ST HARWICH MA	1,898	0.06%	0.08%
Other Depts.	14164110026	MAIN ST EXCHANGE PRK H/	1,088	0.03%	0.03%
Other Depts.	14181160012	OFF OAK ST STORAGE HARV	10,321	0.31%	0.31%
Other Depts.	14181170011	OFF OAK ST MAIN-PUMP H/	103,040	3.07%	3.08%
Other Depts.	14181180010	183 OAK ST START SHED HA	1,868	0.06%	0.05%
Other Depts.	14181190019	183 OAK ST CLUB HSE HARV	93,398	2.78%	2.78%
Other Depts.	14476020020	QUEEN-ANNE RD HARWICH	74,565	2.22%	2.22%
Other Depts.	14476090015	QUEEN-ANNE RD DISPOSAL	3,784	0.11%	0.11%
Other Depts.	14476880019	OFF QUEEN-ANNE RD LAND	74,607	2.22%	2.22%
Other Depts.	15754660023	OFF OAK ST WHTHSE FLD H,	54,404	1.62%	1.62%
Other Depts.	15869040012	183 OAK ST NEW PMP HS H	16,083	0.48%	0.49%
Other Depts.	16056770015	15 BANK ST COMFRT STA H/	610	0.02%	0.02%
Other Depts.	16275400022	739 MAIN ST HARWICH MA	166,753	4.97%	4.97%
Other Depts.	16314860012	273 QUEEN-ANNE RD SALT	1,923	0.06%	0.06%
Other Depts.	16374510010	OFF OAK ST SCOREBOARD F	9,943	0.30%	0.29%
Other Depts.	16493870022	100 OAK ST COMM CENTR I	323,308	9.64%	9.63%
Other Depts.	26836220017	15 ISLAND-POND RD CMTR\	811	0.02%	0.02%
Other Depts.	26918920013	209 QUEEN-ANNE RD MAIN	12,588	0.38%	0.37%
Other Depts.	28079280013	EARL RD P96/18 W. HARWI	664	0.02%	0.02%
Other Depts.	28311400015	175 SISSON RD HARWICH N	500,000	14.91%	14.91%
	<b>SubTotal</b>		<b>1,909,403</b>	<b>56.93%</b>	<b>56.93%</b>



**TOWN OF HARWICH**  
**FINANCE DIVISION**  
**732 MAIN STREET, HARWICH, MA 02645**  
**TEL: 508-430-7518 FAX: 508-430-7504**

**Andrew Gould**  
Finance Director/Town Accountant

**Wendy Tulloch**  
Assistant Town Accountant

Date: January 14, 2016

To: Selectmen

cc: Chris Clark

From: Andrew Gould

AG

Subject: Recap

Below is my explanation of the events that transpired in getting the tax rate set.

The CPC Fund estimated revenues for FY 2016 are \$ 2.6M. Total appropriations and reservations are \$ 2.1M. The \$ 500K difference needed to be raised on the recap, which is the raise and appropriate section of the recap. This needed to be done to avoid the CPC fund from subsidizing the tax rate. This situation could result in putting the Town over the levy limit and forcing the DOR to not approve the Town's tax rate. The usual technique to offset a situation like this is to increase the local receipts, which I did. Our projected local receipts allows a margin of error of 10 – 15%, as a result, the percentage has been narrowed. The problem was I increased the local receipts too much which resulted in forcing the tax rate to decrease. It also created excess levy capacity of \$ 600,000 which the Town has not used. This excess levy capacity will be available for future years.

While the DOR was in to certify free cash, we met with them to discuss the recap and had a productive meeting with them. We will be changing out of our home grown spreadsheets for spreadsheets the DOR has available for our use. This will improve the process of completing the recap.

We are re-constituting the new finance team and will meet with the DOR, at their suggestion, to assist us in completing the FY 2017 recap in the summer.

The Town budgeted \$ 43.6M in property taxes. The Recap final calculation was also \$ 43.6M so we would be fine.

The Town will collect less property tax revenue in FY 2016. However, it is anticipated that sufficient revenue exists to avoid any deficits and there is sufficient cash in the treasury to pay all the Town's bills, including payroll.

## Related Documents - 1/19/16 BOS Meeting

- 01 Agenda.pdf
- 02 Minutes Jan 4, 2016.pdf
- 03 License Renewals.pdf
- 04 Interview Comm Recommendations.pdf
- 05 CDBG Grant.pdf
- 06 Distribution of Solar Energy Funds.pdf
- 07 Hall of Fame Nomination.pdf
- 08 Wastewater Implementation Charge.pdf